

Approved for use through 03/31/2012. OMB 0851-0016
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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

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MAR 22 2012

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5,689,443Application Number 08/451,035Issue Date November 18, 1997Filing Date May 25, 1995

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

03/26/2012 DALLEN 00000006 5689443

Also complete the following information, if applicable

01 FC:1599

4405.00 OP

The above - identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____
original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

March 22, 2012
Date

Vijay Ramanathan
Signature

Vijay Ramanathan

02/07/2013 CKHLOK 00000001 5689443

Typed or Printed Name of Person Signing Certificate

Adjustment date: 02/06/2013 CKHLOK

01 FC:1462

400.00 OP

03/26/2012 DALLEN 00000006 5689443

01 FC:1599

-4405.00 OP

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/68 (03-09)
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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

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2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

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☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2,365	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2,365

4. SURCHARGE

The surcharge required by 37 CFR 1.20(f)(2) of \$ 1,640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☒ Payment by credit card. Form PTO-203B is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

[Page 2 of 3]

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7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. _____

☒

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED



Signature(s) of Petitioner(s)

RAMSOFT INC

VIJAY RAMAYATHAN, PRESIDENT

Typed or printed name(s)

416-674-13467

Telephone Number

243 COLLEGE ST, SUITE 100

Address

TORONTO, ON M5T 1R5, CANADA

Address

March 21, 2012

Date

Registration Number, if applicable

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

☒

Maintenance Fee Payment

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☒

Reconsideration fee under 37 CFR 1.378(e)

Copy of assignment

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND													
1 Date of Request: <u>2-1-13</u>		2 Serial/Patent # <u>5,689,443</u>											
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED										
<input type="checkbox"/>	Filing		\$										
<input type="checkbox"/>	Amendment		\$										
<input type="checkbox"/>	Extension of Time		\$										
<input type="checkbox"/>	Notice of Appeal/Appeal		\$										
<input type="checkbox"/>	Petition		\$										
<input type="checkbox"/>	Issue		\$										
<input type="checkbox"/>	Cert of Correction/Terminal Disc.		\$										
<input type="checkbox"/>	Maintenance		\$										
<input type="checkbox"/>	Assignment		\$										
<input type="checkbox"/>	Other		\$ <u>4,005</u>										
		7 TOTAL AMOUNT OF REFUND	\$ <u>4,005</u>										
10 REASON:		8 TO BE REFUNDED BY: <u>CC</u>											
<input checked="" type="checkbox"/>	Overpayment	Treasury Check											
<input checked="" type="checkbox"/>	Duplicate Payment	Credit Deposit A/C #:											
<input type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>											
<u>Petition and maintenance fees previously paid,</u>													
11 REFUND REQUESTED BY:													
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petitions Examiner</u>											
SIGNATURE: <u>/Karen Creasy/</u>		PHONE: <u>2-3208</u>											
OFFICE: <u>Petitions</u>													
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****													
APPROVED: <u>CKH/ok</u>		DATE: <u>2/7/13</u>											

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